

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION**

**JOE BELL; RICKY BRATCHER; BILLY RAY
BROWN; CLARKE DENTON; TONY DENTON;
CHARLES DUBOSE; ROGER EASTERLING;
CHRIS FORTENBERRY; ANGIE GAINES;
BRENDA GUY; LARRY HARRELL; JAMES
MINTOSH; RONNIE MILEY; HAROLD
NELSON; WESLEY ODOM; BILLY JOE
POWELL; CHARLES RAWSON; EDWARD
G. SADOWSKI; MARY SESSUMS; C. H.
THAMES; KEITH WARE; and JOE MASSEY**

PLAINTIFFS

VS.

CIVIL ACTION NO. 3:08-cv-00697 WHB/LRA

KOCH FOODS OF MISSISSIPPI, LLC

DEFENDANT

**KOCH FOODS OF MISSISSIPPI, LLC'S MOTION TO STAY PROCEEDINGS
AND COMPEL ARBITRATION**

For the reasons stated in the accompanying Memorandum of Authorities, Defendant Koch Foods of Mississippi, LLC respectfully requests that this Court stay all proceedings in this action and compel the Plaintiffs to submit their claims to arbitration where the arbitrators will determine the extent to which Plaintiffs' claims are subject to the arbitration clause.

THIS the 29th day of December, 2008.

Respectfully submitted,

KOCH FOODS OF MISSISSIPPI, LLC

By Its Attorneys,
BAKER, DONELSON, BEARMAN, CALDWELL
& BERKOWITZ, P.C.

By: /s/Scott W. Pedigo

Scott W. Pedigo (MSB No. 10735)
Everett E. White (MSB No. 101875)
BAKER, DONELSON, BEARMAN, CALDWELL & BERKOWITZ, PC
MAILING: Post Office Box 14167
Jackson, Mississippi 39236-4167
PHYSICAL: 4268 I-55 North, Meadowbrook Office Park
Jackson, Mississippi 39211-6391
Telephone: (601) 351-2400
Telecopier: (601) 351-2424

CERTIFICATE OF SERVICE

I certify that on December 29, 2008, I electronically filed the foregoing *Koch Foods of Mississippi, LLC's Motion to Stay Proceedings and Compel Arbitration* with the Clerk of the Court using the ECF system which sent notification of such filing to the following:

T. Mark Sledge, Esq.
GRENFELL, SLEDGE & STEVENS
Post Office Box 16570
Jackson, Mississippi 39236-6570
tmshunts@aol.com

J. Dudley Butler, Esq.
BUTLER FARM AND RANCH LAW GROUP, PLLC
Post Office Box 830
Canton, Mississippi 39046-0830
jdudley@farmandranchlaw.com

COUNSEL FOR PLAINTIFFS

Louis H. Watson , Jr., Esq.
LOUIS H. WATSON, JR., PA
520 East Capitol Street
Jackson , Mississippi 39201-2703
louis@louiswatson.com

COUNSEL FOR CHRIS FORTENBERRY

/s/Scott W. Pedigo